

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TENNESSEE

WESTERN DIVISION

FILED BY *[Signature]* D.C.
05 AUG 24 AM 6:59
THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

U.S.A. vs. Henry Perdue

Docket No. 2:02CR20058-09

Petition on Probation and Supervised Release

COMES NOW MARNIE KLYMAN PROBATION OFFICER OF THE COURT presenting an official report upon the conduct and attitude of Henry Perdue who was placed on supervision by the Honorable Bernice B. Donald sitting in the Court at Memphis, TN on the 18th day of November, 2002 who fixed the period of supervision at three (3) years*, and imposed the general terms and conditions theretofore adopted by the Court and also imposed Special Conditions and terms as follows:

1. The defendant shall submit to drug testing and treatment as directed by the Probation Office.
2. The defendant shall make restitution in the amount of \$8,500.00 (Balance: \$8,500.00)

* Term of Supervised Release begin December 24, 2003.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

(PLEASE SEE ATTACHED)

PRAYING THAT THE COURT WILL ORDER a that a **WARRANT** be issued for **Henry Perdue** to appear before the United States District Court to answer to charges of violation of Supervised Release.

BOND: _____

ORDER OF COURT

Considered and ordered this 23rd day of August, 2005 and ordered filed and made a part of the records in the above case.

[Signature]
Bernice B. Donald
United States District Judge

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 9, 2005

[Signature]
Marnie Klyman
United States Probation Officer

Place: Memphis, Tennessee

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RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:
THE DEFENDANT HAS VIOLATED THE FOLLOWING CONDITIONS OF SUPERVISED RELEASE:

The defendant shall refrain from any unlawful use of a controlled substance.

Henry Perdue tested positive for Marijuana on January 16, 2004 and June 25, 2005.

The defendant shall participate in drug testing and treatment as directed by the Probation Officer.

Mr. Perdue failed to participate in random drug testing at ACAR on fourteen (14) occasions between October 14, 2004 to August 1, 2005, as directed by the Probation Officer.

The defendant shall follow the instructions of the Probation Officer.

The defendant was instructed to report to the Probation Office on April 6, April 8 and April 11, 2005. The defendant failed to report to the Probation Office as directed by the Probation Officer.

The defendant shall submit a truthful and complete written report within the first five days of each month.

The defendant failed to submit monthly report forms for October thru December 2004; January and February 2005; and April thru July 2005, within the first five days of each month.

The defendant shall pay \$8,500.00 restitution; payments shall be set at ten percent (10%) of defendant's gross income.

The defendant failed to submit restitution payments despite the fact he reports he has been self employed.

1. **Defendant** Henry Perdue (Address: 1338 Walnut Hall Court, No. 12, Memphis, TN 38119)
2. **Docket Number (Year-Sequence-Defendant No.)** 2:02CR20058-09
3. **District/Office** Western District of Tennessee (Memphis)
4. **Original Sentence Date** 11 / 18 / 2002

month
day
year

(If different than above):

5. **Original District/Office** _____
6. **Original Docket Number (Year-Sequence-Defendant No.)** _____
7. **List each violation and determine the applicable grade (see §7B1.1):**

<u>Violation(s)</u>	<u>Grade</u>
• <u>Possession/Use of Marijuana</u>	<u>C</u>
• <u>Failure to participate in drug screening</u>	<u>C</u>
• <u>Failure to follow the instructions of the Probation Officer</u>	<u>C</u>
• <u>Failure to submit Monthly Supervision Report Forms</u>	<u>C</u>
• <u>Failure to submit restitution payments</u>	<u>C</u>
• _____	_____
• _____	_____

8. **Most Serious Grade of Violation (see §7B1.1(b))** C

9. **Criminal History Category (see §7B1.4(a))** 74 IV

10. **Range of imprisonment (see §7B1.4(a))** 6 - 12 months

Maximum term of imprisonment is 24 months
18 USC §3583(e)(3)

11. Sentencing Options for Grade B and C Violations Only (Check the appropriate box):

- { X } (a) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is at least one month but not more than six months, §7B1.3(c)(1) provides sentencing options to imprisonment.
- { } (b) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than six months but not more than ten months, §7B1.3(c)(2) provides sentencing options to imprisonment.
- { } (c) If the minimum term of imprisonment determined under §7B1.4 (Term of Imprisonment) is more than ten months, no sentencing options to imprisonment are available.

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**

Intermittent Confinement N/A

[illegible]

**Mail documents to: United States Sentencing Commission, 1331 Pennsylvania Avenue, N.W.
Suite 1400, Washington, D.C., 20004, Attention: Monitoring Unit**



Notice of Distribution

This notice confirms a copy of the document docketed as number 604 in case 2:02-CR-20058 was distributed by fax, mail, or direct printing on August 25, 2005 to the parties listed.

Tracy Lynn Berry
U.S. ATTORNEY'S OFFICE
167 N. Main St.
Ste. 800
Memphis, TN 38103

Honorable Bernice Donald
US DISTRICT COURT